

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRENDA MARTINEZ,	:	Case No. 1:08-CV-02904
Plaintiff,	:	
	:	JUDGE KATHLEEN O'MALLEY
v.	:	
CUYAHOGA COUNTY RECORDER'S OFFICE,	:	<u>MEMORANDUM & ORDER</u>
Defendant.	:	

On March 11, 2009, this Court held a bench trial in the above-captioned case. The trial considered a single issue, whether Defendant Cuyahoga County Recorder's Office violated Plaintiff Brenda Martinez's procedural due process rights to a pre-termination hearing.¹ After careful deliberation, the Court concludes that it did not, and hereby finds for the **DEFENDANT**.

The Defendant is ordered to submit proposed findings of fact and conclusions of law no later than May 21, 2009.² The Plaintiff must submit her own proposal (or be deemed to have accepted the Defendant's proposal) no later than June 22, 2009. Both proposals must contain specific citations to the law (as to conclusions of law), or to the record (as to findings of fact). If a proposal

¹ In particular, the trial did not consider the merits of Ms. Martinez's termination and the Court expresses no opinion on those merits.

² The Court advises the Defendant to focus on: 1) Judge Greene's unrefuted testimony that she had not decided to fire Miss Martinez prior to the hearing; 2) admissions regarding her own conduct; 3) The broad post-termination remedies available in this action; and 4) Caselaw holding that a pre-termination hearing may be exceedingly brief so long as the terminated employee concedes the factual allegations underlying the basis for the termination. *See Powell v. Mikulecky*, 891 F.2d 1454 (10th Cir. 1989); *cf. Lovingier v. City of Black Hawk*, No. 98-1133, 1999 U.S. App. LEXIS 29752, at *10 (10th Cir. 1999). All four of these factors were necessary to the verdict, although none was sufficient.

is not supported by an appropriate citation, it will not be considered by the Court.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: April 20, 2009